

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

UNITED STATES OF AMERICA ex rel.  
CORI RIGSBY and KERRI RIGSBY

RELATORS/COUNTER-DEFENDANTS

v.

CASE NO. 1:06cv433-LTS-RHW

STATE FARM FIRE AND CASUALTY COMPANY

DEFENDANT/COUNTER-PLAINTIFF

and

HAAG ENGINEERING CO.; and ALEXIS KING

DEFENDANTS

**STATE FARM'S MOTION FOR LEAVE TO SUBMIT  
SUPPLEMENTAL MEMORANDUM IN FURTHER SUPPORT OF ITS  
[739] MOTION TO DISMISS DUE TO THE RIGSBYS' REPEATED AND CALCULATED  
VIOLATION OF THIS COURT'S SEAL ORDER**

Defendant/Counter-Plaintiff State Farm Fire and Casualty Company ("State Farm") respectfully submits this Motion for Leave to Submit Supplemental Memorandum in Support of its [739] Motion to Dismiss Due to the Rigsbys' Repeated and Calculated Violation of this Court's Seal Order, to bring this Court's attention to the recent decision of the Sixth Circuit in *United States ex rel. Summers v. LHC Group, Inc.*, 2010 WL 3917058 (6th Cir. Oct. 4, 2010) (to be published in F.3d), which is highly relevant to State Farm's pending Motion to Dismiss Due to the Rigsbys' Repeated and Calculated Violation of the Court's Seal Order [739]. State Farm would show:

1. *Summers* is directly relevant to State Farm's pending [739] Motion to Dismiss and was decided after the close of briefing on that motion.
2. State Farm intends on relying on *Summers* at the upcoming Status Hearing, which is set for December 1, 2010. In order to provide the Court and the Parties with advance notice of State Farm's position regarding *Summer's* application to this case, State Farm has prepared a short supplemental memorandum, which is attached as Exhibit A.
3. The proposed supplemental memorandum contains only two and half pages of substantive text, which when added to State Farm's [740] opening memorandum (21 substantive pages)

and State Farm's sealed Rebuttal (11.5 substantive pages), would be in compliance with Miss. Unif. L. Civ. R. 7(b)(6)'s 35-page cumulative limit.

4. Due to the short and procedural nature of this Motion, State Farm prays that this Court will excuse the necessity of separate memorandum of authorities.

WHEREFORE, PREMISES CONSIDERED, State Farm prays that this Court will grant it leave to file its proposed Supplemental Memorandum in Support of its [739] Motion to Dismiss Due to the Rigsbys' Repeated and Calculated Violation of this Court's Seal Order, Exhibit A hereto.

This the 16<sup>th</sup> day of November, 2010.

Respectfully submitted,

STATE FARM FIRE AND CASUALTY COMPANY

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**CERTIFICATE OF SERVICE**

I, E. Barney Robinson III, one of the attorneys for State Farm Fire and Casualty Company, do hereby certify that I have this day caused a true and correct copy of the foregoing instrument to be delivered to the following, via the means directed by the CM/ECF system and as otherwise indicated below:

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This the 16th day of November, 2010.

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